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Thomas F. Lenihan
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OFFICE OF PETITIONS

In re Application of :
Olaf Hoffmann, et. al. :
Application No. 08/913,184 : **ON PETITION**
Filed: August 6, 2001 :
Attorney Docket No. 67190/954050 :

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on August 16, 2004 and on November 12, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 18, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight March 18, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

A review of the record shows that petitioner failed to supply the necessary response for revival of the instant application. However, in the petition, petitioner states that the Office letter mailed December 18, 2003 was never received. Therefore, a courtesy copy of the Office action mailed December 18, 2003 is enclosed for completion of petitioner's records.

A further review of the record shows that petitioner authorizes the Office to charge \$1,330 for the petition to revive fee. However, effective October 1, 2004, the large entity petition to revive fee was increased to \$1,370. Therefore, \$1,370 has been charged to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Courtesy Copy of the non-final Office action mailed December 17, 2003